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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

TESLA, INC.

Defendant.

Case No.: 4:23-cv-04984-JSC

**DECLARATION OF JAMES H. BAKER
IN SUPPORT OF STIPULATION AND
[PROPOSED] ORDER ENLARGING
BRIEFING SCHEDULE FOR TESLA'S
MOTION TO DISMISS AND RESETTING
HEARING DATE**

DECLARATION

I, James H. Baker, being of lawful age, declare under penalty of perjury, that the following statements are true and correct to the best of my knowledge:

1. I am a Senior Trial Attorney at the United States Equal Employment Opportunity Commission (EEOC), in the San Francisco District Office, and I have personal knowledge of the facts set forth in this Declaration.
2. I submit this declaration in support of the Parties' Stipulation and Proposed Order Enlarging Briefing Schedule for Tesla's Motion to Dismiss and Resetting Hearing Date.
3. Plaintiff EEOC filed the Complaint in this matter on September 28, 2023. (ECF 1)

4. On December 18, 2023, Defendant Tesla filed a Notice of Motion and Motion to Stay All Proceedings and requested a hearing on February 1, 2024. (ECF 22) The current deadlines for the Parties to submit an opposition and a reply there to are January 3, 2024, and January 10, 2024, respectively (ECF 22-A).
5. On December 26, 2023, Defendant Tesla filed a Notice of Motion and Motion to Dismiss and requested a hearing on February 8, 2024. (ECF 27) The current deadlines for the Parties to submit an opposition and a reply thereto are January 9, 2024, and January 16, 2024, respectively (ECF 27-A).
6. The Parties seek modest additional time to prepare their respective briefings for the Motion to Dismiss, the schedule for which has fallen over the holidays and overlaps with the Parties' opposition and reply for the Motion to Stay.
7. Extending the time to complete the briefing and hear Tesla's Motion to Dismiss, a date which was noticed by Tesla, will not otherwise disrupt any other deadlines in the case.
8. The only prior time modification requested and received by the Parties was to vacate the initial case management deadlines until after the Court rules on Tesla's Motion to Stay All Proceedings (ECF 23, 24).
9. The Parties have conferred and believe there is good cause for exists to enlarge the briefing schedule and continue the related hearing date for Tesla's Motion to Dismiss, as the briefing schedule overlaps with briefing on the Motion to Stay, the additional requested time is modest, and the enlargement will not disrupt any other deadlines in the case.
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10. The Parties ask that the deadline for the EEOC to oppose this Motion be January 30, 2024, and the deadline for Tesla to reply to the opposition be February 6, 2024. Also,

1 subject to Court approval, the Parties' request that the hearing on this Motion be held on
2 February 22, 2024.

3 I declare under penalty of perjury under the laws of the Unites States that the foregoing is
4 true and correct.

5 Dated: December 29, 2023



James H. Baker